

**RECORDS RETENTION AND DISPOSITION SCHEDULE
GENERAL SCHEDULE NO. 18
COUNTY AND MUNICIPAL GOVERNMENTS
LOCALITY MENTAL HEALTH SERVICES
COMMUNITY SERVICES BOARDS RECORDS**

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition conditions listed below:

APPROVED: Conley L. Edwards, State Archivist

EFFECTIVE SCHEDULE DATE March 24, 2008

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CONDITIONS FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, §§ 42.1-76, et seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1913 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, audio-visual, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. All reformatting must be done in accordance with The Library of Virginia Guidelines for Electronic Records and Microfilm and with §§ 17VAC15-20-10, et seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.
9. Under the *Virginia Public Records Act*, (§ 42.1-79) the Library of Virginia is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. The Library may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<u>Claims on Client Insurers</u> This series consists of records of requests for payments from private insurers for services rendered to clients. Series includes requests/bills, invoices, correspondence, payments, follow ups and any supporting documentation.	005610	Retain 6 years after final payment, write off or completion of audit, whichever is greater; then destroy in compliance with No. 8 on schedule cover page.
<u>Client Case Files – Administrative/Financial</u> This series consists of any administrative or financial files on specific patients, if separated from medical treatment records. Series includes insurance information, correspondence with patients, payment records and other supporting documentation.	005611	Purge inactive materials from files or entire files 6 years after last relevant activity or completion of audit, whichever is greater. Destroy purged materials in compliance with No. 8 on schedule cover page.
<u>Client Case Files – Medical/Treatment, Adults</u> This series consists of the history of treatment and services provided to individual patients. Series includes counseling records, medication records and other medical or treatment information.	005612	Retain 6 years after last treatment/contact then destroy in compliance with No. 8 on schedule cover page. 18VAC85-20-26
<u>Client Case Files – Medical/Treatment, Juveniles</u> This series consists of the history of treatment and services provided to individual patients. Series includes counseling records, medication records and other medical or treatment information.	005613	Retain until minor reaches the age of 18 or becomes emancipated, with a minimum retention of 6 years from the last patient encounter, regardless of age of minor; then destroy in compliance with No. 8 on the schedule cover page. 18VAC85-20-26


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<u>Court Ordered Evaluations – Not Included in a Client Case File</u> This series consists of court ordered evaluations (custody, psychological, forensic, substance abuse, etc.), when no other services are provided to a client. Refer to series 005621, "Prescreening Reports – Referred or Not Accepted", for other evaluations.	005615	Retain 6 years after completion of evaluation then destroy in compliance with No. 8 on schedule cover page.
<u>Court Ordered Training – Not Included in a Client Case File</u> This series consists of records of court ordered training provided by CSB or Mental Health staff, when no other services are provided to a client. Training may include, but is not limited to anger management, grief management and effective parenting.	005616	Retain 6 years after completion of training then destroy in compliance with No. 8 on schedule cover page.
<u>Emergency Treatment Records</u> This series documents performance of emergency treatment on individuals, when only emergency treatment is given and no case file is created.		Retain in accordance with retention listed in appropriate type of case even though no case file was created. Refer to record series starting with 005612, "Client Case Files – Medical/Treatment – Adults".
<u>Health and Safety Program Records</u> This series documents the monitoring of compliance with health and safety programs.	005617	Retain as long as administratively necessary then destroy.
<u>Logs – Admission, Closing, Crisis, Emergency or Treatment</u> This series consists of any logs or databases established to control, schedule or monitor services provided.	005618	Retain 2 years after event date in electronic logs or last entry in paper-based logs, then destroy in compliance with No. 8 on schedule cover page.



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<u>Medicare/Medicaid Billing Records</u> This series consists of the records of requests for Medicare/Medicaid payments. Series includes claims, payments, invoices, follow ups and any other supporting documentation.	005619	Retain 6 years after final payment, denial and/or write off, or completion of audit, whichever is greater; then destroy in compliance with No. 8 on schedule cover page.
<u>Policy Files – Protected Health Information (PHI)</u> This series consists of the written policy on control of Protected Health Information (PHI) as required by the Health Insurance Portability and Accountability Act (HIPAA). 45 CFR164.530 (i) & 45CFR164.530(j)	005620	Retain 6 years after superseded then destroy. 45CFR164.530(j)(2)
<u>Prescreening Reports – Accepted Clients</u> This series documents the prescreening or evaluation of possible clients for services.		Transfer to appropriate Client Case File.
<u>Prescreening Reports – Referred or Not Accepted</u> This series documents the prescreening or evaluation of possible clients for services, when no services were provided.	005621	Retain 2 years after prescreening then destroy in compliance with No. 8 on schedule cover page.
<u>Release of Protected Health Information (PHI)</u> This series consists of the record of disclosure of Protected Health Information (PHI) that is not exempted as part of a Designated Records Set. 45CFR164.528(a)	005622	Retain 6 years after release of information, then destroy in compliance with No. 8 on schedule cover page. 45CFR164.530(j)(2)

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<u>Test Instruments</u> This series contains raw data and other testing materials used to evaluate clients or possible clients. A written summary or final report is transferred to either records series 005621, "Prescreening Reports – Referred or Not Accepted" or records series 005612, etc, "Client Case Files" as appropriate.	005623	Retain 30 days after completion of summary or report then destroy in compliance with No. 8 on schedule cover page.
<u>Utilization Review Records</u> This series documents compliance with local, state and federal policies and may include internal/external audit, certification and utilization review documentation.	005624	Retain 3 years after completion of review then destroy in compliance with No. 8 on schedule cover page.